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18 IN THE UNITED STATES DISTRICT COURT  
19 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

20

21 C.S., by and through his Conservator,  
22 MARY STRUBLE, on behalf of himself and  
23 all others similarly situated,

24

Plaintiff,

25

v.

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CALIFORNIA DEPARTMENT OF  
27 EDUCATION, a State Agency,

28

Defendant.

Case No. 08 CV0226 W AJB

JOINT MOTION OF ALL PARTIES  
FOR CONTINUANCE OF THE EARLY  
NEUTRAL EVALUATION AND  
RELATED DATES

Hearing: May 5, 2008

Judge: The Honorable Anthony J. Battaglia

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31 Defendants and plaintiff jointly move this court for a continuance of the Early Neutral  
32 Evaluation, and all related dates, of the above entitled action currently scheduled for May 5, 2008  
33 to May 27, 2008 or such other date as the Court deems reasonable.

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36 Good cause exists for this request, as a motion for a temporary restraining order is currently  
37 pending in this action before the Honorable Thomas J. Whelan. The motion for a temporary  
38 restraining order proceeded as a noticed motion and is now fully briefed with a hearing date  
39 scheduled for April 28, 2008. Although it is possible that the motion will be decided prior to

1 May 5, 2008, it is unlikely to be resolved prior to the date when defendants' settlement briefs are  
2 due and possible that it will not be decided prior to May 5, 2008. All parties agree that  
3 discussion of settlement is premature prior to a ruling on the motion for a temporary restraining  
4 order.

5 Thus, the parties jointly and respectfully request that a short continuance of the Early  
6 Neutral Evaluation be granted and the Early Neutral Evaluation be held May 27, 2008 and that  
7 plaintiff's settlement brief will be due May 12, 2008 and defendants' settlement brief will be due  
8 May 19, 2008.

9  
10 Dated: April 23, 2008

11 By: /s/ Susan Leach

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